

COMMONWEALTH OF KENTUCKY
MINE SAFETY REVIEW COMMISSION
ADMINISTRATIVE ACTION NO. **06-MSRC-008**

COMMONWEALTH OF KENTUCKY,
OFFICE OF MINE SAFETY AND LICENSING

COMPLAINANT

FINAL ORDER FOR RONALD BARTLEY

KEITH COLLINS, RONALD BARTLEY
& JAMES HAGER

RESPONDENTS

* * * * *

This matter having come before the Commission on the Joint Motion to Approve Settlement Agreement between the Complainant, Office of Mine Safety and Licensing (OMSL) and Respondent Ronald Bartely, and the members of the Commission having reviewed the Settlement Agreement filed on June 13, 2006 in the matter herein, and the Commissioners being sufficiently advised,

IT IS HEREBY **ORDERED** as follows:

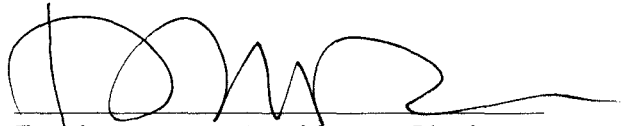
1. The Joint Motion to Approve Settlement Agreement is **GRANTED**;
2. The formal hearing and pre-hearing conference are **CANCELLED**;
3. The **Settlement Agreement** signed by the parties and filed with the Commission is hereby **incorporated by reference** as if reproduced herein in full as a material part of this **FINAL ORDER**.

A copy is attached hereto;

4. This Final Order only resolves the matters referenced herein, and any new enforcement action or subsequent penalties imposed during any probationary period are in addition to and not in lieu of those that may be sought by OMSL for the acts or omissions during that probationary period. This Final Order in no way prohibits OMSL from investigating or filing legal action based upon other activities or omissions by the Respondent not arising from the factual basis of the original violation and resolved herein.
5. This Final Order shall be considered to constitute a “first offense” as that term is defined in 805 KAR 8:010, Section 1(5). Future allegations of separate offenses by Respondent, resulting in an adjudication of guilt by the Commission, shall be deemed “subsequent offenses” as defined by 805 KAR 8:010, Section 1(13);
6. This Final Order represents a final disposition of all issues between the Complainant and the Respondent, in these matters. Failure to comply with the terms and conditions of this Final Order may result in further action by the Commission; and
7. Appellate rights: Pursuant to KRS 351.194(8) and KRS 13B.140(1), an appeal of an order of the Commission must be filed in the Franklin Circuit Court within thirty (30) days of the entry of this Final Order. The petition shall include the names and addresses of all parties of record in this proceeding and shall include a statement of the grounds upon which review is requested. A copy

of this Final Order shall accompany the petition. Copies of the petition must be served upon the Commission and all parties of record in this proceeding.

Entered this the 13TH day of July 2006.

A handwritten signature in black ink, appearing to read 'DM Davidson', written over a horizontal line.

Denise Moore Davidson, Chair
MINE SAFETY REVIEW COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing FINAL ORDER was served by certified mail, return receipt requested, and by regular mail, postage pre-paid to the following this 14TH day of July 2006:

RONALD BARTLEY
HIGHWAY 122 BOX 115
HI HAT, KY 41636

And by regular mail to:

KEITH D. COLLINS
83 GILLESPIE BRANCH ROAD
SHELBIANA KY 41562


HON BILLY SHELTON
151 N. EAGLE CREEK DRIVE, STE 310
LEXINGTON KY 40509
Counsel for: James Hager

And by messenger mail to:

STEPHEN C. BOYD
OFFICE OF LEGAL SERVICES
NATURAL RESOURCES LEGAL DIVISION
#2 HUDSON HOLLOW
FRANKFORT KY 40601
502/ 564- 2356
FAX 502/ 564 - 9212
Attorney for OMSL

And the original shall be kept on file:

Mine Safety Review Commission
132 Brighton Park Blvd.
Frankfort Ky 40601


Bryan Alan Thompson
Hearing Officer & General Counsel
Mine Safety Review Commission

KENTUCKY MINE SAFETY REVIEW COMMISSION
ADMINISTRATIVE ACTION NO. 06-MSRC-008

KENTUCKY OFFICE OF MINE SAFETY & LICENSING

COMPLAINANT

V. SETTLEMENT AGREEMENT BETWEEN OMSL & RONALD BARTLEY

KEITH COLLINS, RONALD BARTLEY
AND JAMES HAGER

RESPONDENTS

* * * * *

Come the Complainant, the Kentucky Office of Mine Safety & Licensing ("OMSL"), and Respondent Ronald Bartley ("Bartley"), and hereby state that they have agreed to a settlement of the above-styled disciplinary proceeding, according to the following terms:

In consideration for the final resolution of this action against him, and the cancellation of the hearing (as it pertains to him) that is currently scheduled for July 13, 2006, Ronald Bartley, hereby admits that he committed thirty-four (34) underground violations in December 2003, at Coal Services, LLC No. 2 Mine as alleged in OMSL's Complaint. This Settlement only concerns Ronald Bartley. This Settlement does not resolve the cases against Keith Collins or James Hager. Therefore, Ronald Bartley hereby agrees to the following:

1. The probation of his underground miner's certificate; underground mine foreman, Certificate No. A-125-88; drill operator, Certificate No. MN-106-84; electrical worker Certificate No. MN-345-04; gas detection, Certificate No. MN-314-81; MET, Certificate No. MN-429-97 and shotfire-solid blasting, Certificate No. MN-106-84, for a period of one (1) year, effective upon the signing of an Order Approving Settlement Agreement by the Mine Safety Review Commission.

2. During this one-year probationary period, Ronald Bartley shall comply with all state and federal mine safety laws and regulations. The willful violation by Ronald Bartley of any said laws or regulations may result in OMSL filing a motion with the Mine Safety Review Commission to revoke his underground miner's certificate for the remainder of the probationary

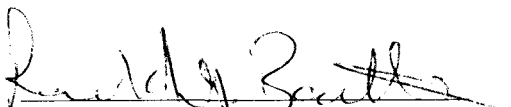
period.

3. Within 45 days of the effective date of this Settlement Agreement, Ronald Bartley must take eight (8) hours of special safety training from OMSL at its Pikeville District Office.


Ronald Bartley further agrees that this Settlement Agreement and any final order issued herein by the Mine Safety Review Commission will be considered by the Commission to constitute a "first offense", as that term is defined at 805 KAR 8:010, Section 1(13).

Ronald Bartley understands and agrees that he has had the opportunity to retain an attorney to represent him in this matter, but that he has chosen to represent himself. Ronald Bartley further states that he has carefully read this Settlement Agreement (or that the Settlement has been read to him), that he has carefully considered the Agreement prior to signing it, and that he understands and agrees to its terms and provisions.

OMSL and Ronald Bartley acknowledge and agree that there are no further promises, inducements, representations, or agreements in connection with this Settlement Agreement other than those expressly set forth in writing herein.


RONALD BARTLEY
Hwy 122, Box 115
Hi Hat, Kentucky 41636

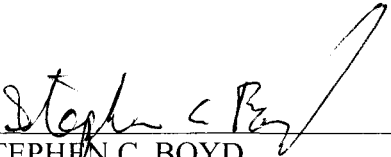
6-4-06
DATE


JOHNNY GREENE, Acting Executive Director
KY Office of Mine Safety & Licensing
P.O. Box 2244
Frankfort, Kentucky 40602

6-13-06
DATE

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Settlement Agreement Between OMSL and Ronald Bartley was mailed this 7 day of June, 2006, to: Ronald Bartley, Hwy 122, Box 115, Hi Hat, Kentucky 41636.



STEPHEN C. BOYD
C. MICHAEL HAINES, GENERAL COUNSEL

OFFICE OF LEGAL SERVICES
NATURAL RESOURCES LEGAL DIVISION
KY OFFICE OF MINE SAFETY & LICENSING